



General Assembly

February Session, 2016

Raised Bill No. 354

LCO No. 2157



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING MUSIC AND ART THERAPY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) As used in this section,
2 sections 2 to 5, inclusive, of this act and section 19a-14 of the general
3 statutes, as amended by this act:

4 (1) "Commissioner" means the Commissioner of Public Health;

5 (2) "Department" means the Department of Public Health;

6 (3) "Music therapy" means the clinical and evidence-based use of
7 music interventions to accomplish individualized goals within a
8 therapeutic relationship by a credentialed professional who has
9 completed a music therapy program approved by the American Music
10 Therapy Association, or any successor of said association; and

11 (4) "Music therapist" means a person who has been licensed as a
12 music therapist under the provisions of sections 2 to 5, inclusive, of
13 this act.

14 Sec. 2. (NEW) (*Effective October 1, 2016*) (a) No person may practice
15 music therapy unless licensed or permitted pursuant to section 3 or 4
16 of this act.

17 (b) No person may use the title "music therapist" or "licensed music
18 therapist" or make use of any title, words, letters, abbreviations or
19 insignia that may reasonably be confused with licensure as a music
20 therapist unless such person is licensed pursuant to section 3 of this act
21 or has been issued a temporary permit pursuant to section 4 of this act.

22 (c) The provisions of this section shall not apply to a person who (1)
23 provides music therapy while acting within the scope of practice of the
24 person's license and training, provided the person does not hold
25 himself or herself out to the public as a music therapist, or (2) is a
26 student enrolled in a music therapy educational program or graduate
27 music therapy educational program approved by the American Music
28 Therapy Association, or any successor of said association, and music
29 therapy is an integral part of the student's course of study and such
30 student is performing such therapy under the direct supervision of a
31 licensed music therapist.

32 Sec. 3. (NEW) (*Effective October 1, 2016*) (a) On and after October 1,
33 2016, the Commissioner of Public Health shall grant a license as a
34 music therapist to any applicant who, except as provided in
35 subsections (b) and (c) of this section, furnishes evidence satisfactory to
36 the commissioner that such applicant has earned a certification as a
37 music therapist from the Certification Board for Music Therapists, or
38 any successor of said board. The commissioner shall develop and
39 provide application forms. The application fee shall be three hundred
40 fifteen dollars.

41 (b) An applicant for a license as a music therapist may, in lieu of the
42 requirements set forth in subsection (a) of this section, submit evidence
43 satisfactory to the commissioner of having, prior to October 1, 2016: (1)
44 Acquired eight years of experience in the practice of music therapy; (2)

45 earned, from an accredited institution of higher education, a master's
46 or doctoral degree in music therapy or a related field; and (3) attended
47 a continuing education program approved by the American Music
48 Therapy Association, or any successor of said association, within the
49 five-year period prior to the date of application.

50 (c) An applicant for licensure by endorsement shall present
51 evidence satisfactory to the commissioner that the applicant is licensed
52 or certified as a music therapist, or as a person entitled to perform
53 similar services under a different designation, in another state or
54 jurisdiction that has requirements for practicing in such capacity that
55 are substantially similar to, or higher than, those of this state and that
56 there are no disciplinary actions or unresolved complaints pending in
57 this state or any other state.

58 (d) Licenses issued under this section shall be renewed annually
59 pursuant to section 19a-88 of the general statutes. The fee for such
60 renewal shall be one hundred ninety dollars. Each licensed music
61 therapist applying for license renewal shall furnish evidence
62 satisfactory to the commissioner of having current certification with
63 the Certification Board for Music Therapists, or any successor of said
64 board, and having obtained continuing education units for certification
65 as required by said board.

66 Sec. 4. (NEW) (*Effective October 1, 2016*) The Department of Public
67 Health may issue a temporary permit to an applicant for licensure as a
68 music therapist who holds a master's degree or higher in music
69 therapy or a related field. Such temporary permit shall authorize the
70 holder of the temporary permit to practice music therapy under the
71 general supervision of a licensed music therapist at all times during
72 which the holder of the temporary permit performs music therapy.
73 Such temporary permit shall be valid for a period not to exceed three
74 hundred sixty-five calendar days after the date of attaining such
75 master's degree or higher and shall not be renewable. No temporary
76 permit shall be issued under this section to any applicant against

77 whom professional disciplinary action is pending or who is the subject
78 of an unresolved complaint in this state or any other state. The
79 commissioner may revoke a temporary permit for good cause, as
80 determined by the commissioner. The fee for a temporary permit shall
81 be fifty dollars.

82 Sec. 5. (NEW) (*Effective October 1, 2016*) The Commissioner of Public
83 Health may take any disciplinary action set forth in section 19a-17 of
84 the general statutes against a music therapist for any of the following
85 reasons: (1) Failure to conform to the accepted standards of the
86 profession; (2) conviction of a felony; (3) fraud or deceit in obtaining or
87 seeking reinstatement of a license to practice music therapy; (4) fraud
88 or deceit in the practice of music therapy; (5) negligent, incompetent or
89 wrongful conduct in professional activities; (6) physical, mental or
90 emotional illness or disorder resulting in an inability to conform to the
91 accepted standards of the profession; (7) alcohol or substance abuse; or
92 (8) wilful falsification of entries in any hospital, patient or other record
93 pertaining to music therapy. The commissioner may order a license
94 holder to submit to a reasonable physical or mental examination if his
95 or her physical or mental capacity to practice safely is the subject of an
96 investigation. The commissioner may petition the superior court for
97 the judicial district of Hartford to enforce such order or any action
98 taken pursuant to section 19a-17 of the general statutes. The
99 commissioner shall give notice and an opportunity to be heard on any
100 contemplated action under section 19a-17 of the general statutes.

101 Sec. 6. (NEW) (*Effective October 1, 2016*) As used in this section,
102 sections 7 to 10, inclusive, of this act and section 19a-14 of the general
103 statutes, as amended by this act:

104 (1) "Commissioner" means the Commissioner of Public Health;

105 (2) "Department" means the Department of Public Health;

106 (3) "Art therapy" means clinical and evidence-based use of art,
107 including art media, the creative process and the resulting artwork, to

108 accomplish individualized goals within a therapeutic relationship by a
109 credentialed professional who has completed an art therapy program
110 approved by the American Art Therapy Association, or any successor
111 of said association; and

112 (4) "Art therapist" means a person who has been licensed as an art
113 therapist under the provisions of sections 7 to 10, inclusive, of this act.

114 Sec. 7. (NEW) (*Effective October 1, 2016*) (a) No person may practice
115 art therapy unless licensed or permitted pursuant to section 8 or 9 of
116 this act.

117 (b) No person may use the title "art therapist" or "licensed art
118 therapist" or make use of any title, words, letters, abbreviations or
119 insignia that may reasonably be confused with licensure as an art
120 therapist unless such person is licensed pursuant to section 8 of this act
121 or has been issued a temporary permit pursuant to section 9 of this act.

122 (c) The provisions of this section shall not apply to a person who (1)
123 provides art therapy while acting within the scope of practice of the
124 person's license and training, provided the person does not hold
125 himself or herself out to the public as an art therapist, or (2) is a
126 student enrolled in an art therapy educational program or graduate art
127 therapy educational program approved by the American Art Therapy
128 Association, or any successor of said association, and art therapy is an
129 integral part of the student's course of study and such student is
130 performing such therapy under the direct supervision of a licensed art
131 therapist.

132 Sec. 8. (NEW) (*Effective October 1, 2016*) (a) On and after October 1,
133 2016, the Commissioner of Public Health shall grant a license as an art
134 therapist to any applicant who, except as provided in subsections (b)
135 and (c) of this section, furnishes evidence satisfactory to the
136 commissioner that such applicant has earned a credential or
137 certification as an art therapist from the Art Therapy Credentials
138 Board, or any successor of said board. The commissioner shall develop

139 and provide application forms. The application fee shall be three
140 hundred fifteen dollars.

141 (b) An applicant for a license as an art therapist may, in lieu of the
142 requirements set forth in subsection (a) of this section, submit evidence
143 satisfactory to the commissioner of having, prior to October 1, 2016: (1)
144 Acquired eight years of experience in the practice of art therapy; (2)
145 earned, from an accredited institution of higher education, a master's
146 or doctoral degree in art therapy or a related field; and (3) attended a
147 continuing education program approved by the Art Therapy
148 Credentials Board, or any successor of said board, within the five-year
149 period prior to the date of application.

150 (c) An applicant for licensure by endorsement shall present
151 evidence satisfactory to the commissioner that the applicant is licensed
152 or certified as an art therapist, or as a person entitled to perform
153 similar services under a different designation, in another state or
154 jurisdiction that has requirements for practicing in such capacity that
155 are substantially similar to, or higher than, those of this state and that
156 there are no disciplinary actions or unresolved complaints pending in
157 this state or any other state.

158 (d) Licenses issued under this section shall be renewed annually
159 pursuant to section 19a-88 of the general statutes. The fee for such
160 renewal shall be one hundred ninety dollars. Each licensed art
161 therapist applying for license renewal shall furnish evidence
162 satisfactory to the commissioner of having current credential or
163 certification with the Art Therapy Credentials Board, or any successor
164 of said board, and having obtained continuing education units for such
165 credential or certification as required by said board.

166 Sec. 9. (NEW) (*Effective October 1, 2016*) The Department of Public
167 Health may issue a temporary permit to an applicant for licensure as
168 an art therapist who holds a master's degree or higher in art therapy or
169 a related field. Such temporary permit shall authorize the holder of the

170 temporary permit to practice art therapy under the general supervision
171 of a licensed art therapist at all times during which the holder of the
172 temporary permit performs art therapy. Such temporary permit shall
173 be valid for a period not to exceed three hundred sixty-five calendar
174 days after the date of attaining such master's degree or higher and
175 shall not be renewable. No temporary permit shall be issued under this
176 section to any applicant against whom professional disciplinary action
177 is pending or who is the subject of an unresolved complaint in this
178 state or any other state. The commissioner may revoke a temporary
179 permit for good cause, as determined by the commissioner. The fee for
180 a temporary permit shall be fifty dollars.

181 Sec. 10. (NEW) (*Effective October 1, 2016*) The Commissioner of
182 Public Health may take any disciplinary action set forth in section 19a-
183 17 of the general statutes against an art therapist for any of the
184 following reasons: (1) Failure to conform to the accepted standards of
185 the profession; (2) conviction of a felony; (3) fraud or deceit in
186 obtaining or seeking reinstatement of a license to practice art therapy;
187 (4) fraud or deceit in the practice of art therapy; (5) negligent,
188 incompetent or wrongful conduct in professional activities; (6)
189 physical, mental or emotional illness or disorder resulting in an
190 inability to conform to the accepted standards of the profession; (7)
191 alcohol or substance abuse; or (8) wilful falsification of entries in any
192 hospital, patient or other record pertaining to art therapy. The
193 commissioner may order a license holder to submit to a reasonable
194 physical or mental examination if his or her physical or mental
195 capacity to practice safely is the subject of an investigation. The
196 commissioner may petition the superior court for the judicial district of
197 Hartford to enforce such order or any action taken pursuant to section
198 19a-17 of the general statutes. The commissioner shall give notice and
199 an opportunity to be heard on any contemplated action under section
200 19a-17 of the general statutes.

201 Sec. 11. Subsection (c) of section 19a-14 of the 2016 supplement to
202 the general statutes is repealed and the following is substituted in lieu

203 thereof (*Effective October 1, 2016*):

204 (c) No board shall exist for the following professions that are
205 licensed or otherwise regulated by the Department of Public Health:

206 (1) Speech and language pathologist and audiologist;

207 (2) Hearing instrument specialist;

208 (3) Nursing home administrator;

209 (4) Sanitarian;

210 (5) Subsurface sewage system installer or cleaner;

211 (6) Marital and family therapist;

212 (7) Nurse-midwife;

213 (8) Licensed clinical social worker;

214 (9) Respiratory care practitioner;

215 (10) Asbestos contractor and asbestos consultant;

216 (11) Massage therapist;

217 (12) Registered nurse's aide;

218 (13) Radiographer;

219 (14) Dental hygienist;

220 (15) Dietitian-Nutritionist;

221 (16) Asbestos abatement worker;

222 (17) Asbestos abatement site supervisor;

223 (18) Licensed or certified alcohol and drug counselor;

- 224 (19) Professional counselor;
- 225 (20) Acupuncturist;
- 226 (21) Occupational therapist and occupational therapist assistant;
- 227 (22) Lead abatement contractor, lead consultant contractor, lead
228 consultant, lead abatement supervisor, lead abatement worker,
229 inspector and planner-project designer;
- 230 (23) Emergency medical technician, advanced emergency medical
231 technician, emergency medical responder and emergency medical
232 services instructor;
- 233 (24) Paramedic;
- 234 (25) Athletic trainer;
- 235 (26) Perfusionist;
- 236 (27) Master social worker subject to the provisions of section 20-
237 195v;
- 238 (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- 239 (29) Homeopathic physician;
- 240 (30) Certified water treatment plant operator, certified distribution
241 system operator, certified small water system operator, certified
242 backflow prevention device tester and certified cross connection
243 survey inspector, including certified limited operators, certified
244 conditional operators and certified operators in training;
- 245 (31) Tattoo technician; [and]
- 246 (32) Genetic counselor; [.]
- 247 (33) Music therapist; and

248 (34) Art therapist.

249 The department shall assume all powers and duties normally vested
 250 with a board in administering regulatory jurisdiction over such
 251 professions. The uniform provisions of this chapter and chapters 368v,
 252 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
 253 and 400c, including, but not limited to, standards for entry and
 254 renewal; grounds for professional discipline; receiving and processing
 255 complaints; and disciplinary sanctions, shall apply, except as otherwise
 256 provided by law, to the professions listed in this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	New section
Sec. 2	October 1, 2016	New section
Sec. 3	October 1, 2016	New section
Sec. 4	October 1, 2016	New section
Sec. 5	October 1, 2016	New section
Sec. 6	October 1, 2016	New section
Sec. 7	October 1, 2016	New section
Sec. 8	October 1, 2016	New section
Sec. 9	October 1, 2016	New section
Sec. 10	October 1, 2016	New section
Sec. 11	October 1, 2016	19a-14(c)

Statement of Purpose:

To require licensure for the practice of music and art therapy.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]